

(O-89-186)

ORDINANCE NUMBER O- 17286* (NEW SERIES)

ADOPTED ON MAY 1 1989

INTERIM ORDINANCE LIMITING ISSUANCE OF DEMOLITION PERMITS, BUILDING REMOVAL PERMITS, BUILDING PERMITS AND COMMENCEMENT OF CONSTRUCTION IN PORTIONS OF SAN YSIDRO AND URBANIZED PORTIONS OF THE TIA JUANA RIVER VALLEY FOR A PERIOD OF ONE YEAR OR UPON THE EFFECTIVE DATE OF REGULATIONS TO IMPLEMENT THE UPDATED SAN YSIDRO COMMUNITY PLAN, WHICHEVER OCCURS FIRST.

WHEREAS, the Council of The City of San Diego has initiated the preparation of and intends to adopt an updated community plan for San Ysidro, and this updated plan is proposed to include the urbanized portion of the Tia Juana River Valley; and

WHEREAS, an updated San Ysidro Community Plan is currently being prepared by the Planning Department; and

WHEREAS, it is the intention of the Council that implementation of the updated community plan's land use designations will take place in the form of comprehensive rezonings in the community; and

WHEREAS, there are conflicts between the existing zoning and the adopted San Ysidro Community Plan (March, 1974) and the adopted Tia Juana River Valley Plan (July, 1979); and

WHEREAS, the Council finds that residential and commercial development in conflict with the San Ysidro Community Plan and urbanized portion of the Tia Juana River Valley Plan has occurred and has the potential of continuing to occur and that development under the present zoning could compromise the implementation of the updated community plan; and

WHEREAS, future residential development may not be adequately served by public facilities and services including elementary and high schools, parks, circulation, and public safety; and

WHEREAS, historic structures and structures that contribute to the uniqueness of the community of San Ysidro have been demolished and removed and the loss of such structures is contrary to the Progress Guide and General Plan and the anticipated future community plan goals; and

WHEREAS, the continuation of recent development trends would be detrimental to the health, safety, general welfare, and reasonable zoning practice; and

WHEREAS, development controls regulating density, design, landscaping and parking have been applied in other communities of the City but such controls have not yet been applied to the community of San Ysidro; and

WHEREAS, Municipal Code Section 101.0203.1 empowers the Council to adopt as an interim measure in the interest of public safety, health, and welfare, an interim zoning ordinance pending the analysis and recommendation of revised or newly tailored zoning regulations in an area of land within the City; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. Within the area known as the San Ysidro community and the urbanized portion of the Tia Juana River Valley, generally bounded by Hollister Street and the levee of the Tia Juana River Valley on the west, the international border with

Mexico on the south, the San Diego and Arizona Eastern Railroad and Interstate 805 on the east, and State Freeway 117 and Tocayo Road on the north, as shown on Exhibit "A," a copy of which is on file in the office of the City Clerk as Document No. 00-17286, no building permits shall be issued for construction of multi-family residential structures on properties that have multi-family or commercial zoning unless a Planned Residential Development Permit, Planned Commercial Development Permit, or Conditional Use Permit is obtained, except as otherwise provided by this ordinance.

Section 2. In conjunction with applications for Planned Residential Development Permits, Planned Commercial Development Permits, and Conditional Use Permits, the Planning Director shall make a finding that basic public facilities and services including but not limited to parks, roads, water, sewer, and public safety, and urban design features shall be provided at standards equal to those contained in the Progress Guide and General Plan of the City of San Diego and applicable adopted Council policies.

Section 3. For the area proposed to be included in an historic survey area bounded by Smythe Avenue on the west, properties fronting on both sides of San Ysidro Boulevard on the south, East Beyer Boulevard and Interstate 805 on the east, and Beyer Boulevard on the north, and including the El Toreador Motel, 631 San Ysidro Boulevard, Section 1, T19S, R2W, NE½ portion of SE½ and the International Building, 747 San Ysidro Boulevard, Section 6, T19S, R1, W portion as shown on Exhibit

"A," no permits shall be issued for the demolition and/or removal of any buildings or structures, unless the application for the demolition or removal permit has been approved by the Planning Director. The Planning Director shall approve such application if it is determined that the structure in question is not a potential historical structure. The Planning Director shall make the determination within ten (10) working days of the receipt of the application. If the Planning Director does not make a determination within the specified period, the building or structure shall be deemed not to be a potential historical structure. If a potential historical structure is found, the demolition or removal permit application shall not be approved for ninety (90) days or until the Historical Site Board has evaluated and acted on the site's significance, whichever occurs first. The provisions of this section shall not apply to the following:

A. Any building or structure found by the City Manager of The City of San Diego to present a hazard to public health and safety, and for which an emergency permit for demolition must be issued; or

B. Any permit approved by the Planning Director, Planning Commission or City Council as part of a development project submitted, reviewed and approved in accordance with this ordinance, and provided that such development application includes an environmental document prepared in accordance with the California Environmental Quality Act which describes and addresses the historic/architectural


significance of the property and such report is reviewed by the Historical Site Board for the purpose of recommending to the Planning Director whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).

Section 4. Projects permitted under Planned Residential Development Permits, Planned Commercial Development Permits or Conditional Use Permits approved prior to the effective date of this ordinance may develop in accordance with the provisions of the approved permit; provided, however, that any requested amendments to approved permits shall be subject to the provisions of this ordinance.

Section 5. The provisions of this ordinance shall remain in force and effect for a period of one year from the effective date of this ordinance or until the effective date of regulations to implement the updated San Ysidro Community Plan whichever occurs first and, except as provided in Section 4, no building, demolition, or removal permit shall be issued that is not in compliance with this ordinance on and after the effective date of this ordinance.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
03/14/89
Or.Dept:Plan.
O-89-186
Form=o.none

MAY 1 1989

Passed and adopted by the Council of The City of San Diego on....., by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Rhonda R. Barnes*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 18 1989

MAY 1 1989

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Rhonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17286 Adopted MAY 1 1989

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SAN DIEGO, CA

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